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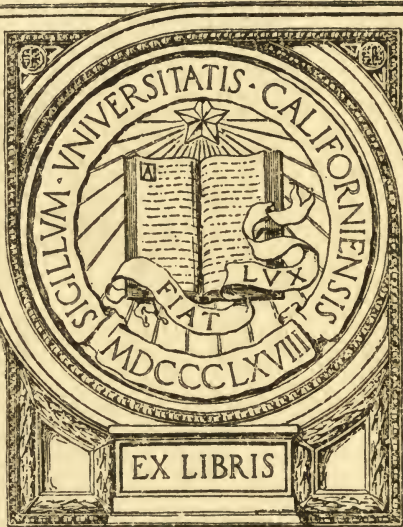


FORTY-NINE

JOAQUIN MILLER



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FORTY-NINE

AN IDYL DRAMA OF THE SIERRAS

(IN FOUR ACTS)

BY

JOAQUIN MILLER



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SAN FRANCISCO
WHITAKER & RAY-WIGGIN CO.
1910

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FORTY-NINE—AN IDYL DRAMA OF
THE SIERRAS MAIN
IN FOUR ACTS

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CAST OF CHARACTERS.

FORTY-NINE.—*A relic of bygone days. "I've been here since '49, and I reckon I ought to know."*

CHARLES DEVINE.—*"My Pard."*

LUCKY TOM GULLY.—*A real, heavy villian, who becomes chief of the Vigilantes.*

COL. SNOWE.—*An old lawyer, "who never lost a case."*

COL. BILLY.—*"A total wreck."*

BLACK SAM.—*An aged colored person.*

CAPT. HAMPTON.—*Captain of Vigilantes.*

CARROTS.—*"Twenty-four karots fine and all pure gold."*

OLD MISSISSIP.—*Saloon keeper.*

BELLE.—*Reputed daughter of Mississip.*

MRS. DEVINE.—*Mother of Charles.*

FORTY-NINE—AN IDYL DRAMA OF
THE SIERRAS
IN FOUR ACTS

ACT I.

SCENE: *Mrs. Devine's Parlor: Nauvoo.—Table, C., with book.*
Sam discovered seated reading. Knock at door.

SAM. Massa Charley, spec'. Come in sah.
(*Enter Gully.*) Tain't Massa Charley.

GULLY. Where's your Missis, Sam?

SAM. Gone to prayer-meetin', sah.

GULLY. (*Aside.*) Good! (*Aloud.*) Gone to prayer-meeting, eh? Well, reckon I'll wait till she gets back. Bring me a match.

SAM. Gemmen, don't smoke in lady's parlor, sah! Wish to de Lord, Massa Charley was done come home, I do.

GULLY. Well, he *ain't* coming home. He won't come home no more.

SAM. What! Massa Charley? Massa Charley? Speak it low and kind o' soft like, fur maybe his mother might be comin' in at dat door, sah, and hear you. Not comin' home no more? I say, Massa Gully, don't joke dat way.

GULLY. He don't come home no more, I tell you. There, thought I had a match. He's gone I say. (*Bites off end of cigar, lights it and sits, throwing one leg over table.*)

SAM. Gone? Gone off anywhere? Not sick? Not dead, Massa Gully?

GULLY. No, gone. Gone to California, and I've come to say good-bye to his mother for him. He didn't have time.

SAM. Somethin's wrong. I tell you there's somethin' wrong. It ain't Massa Charley's way fur to go fur to leave his poor old mother like dat. Charley's a bit wild, and de like, and he do keep bad company. You is his busum friend, Massa Gully. But he ain't de boy fur to go and send you to say good-bye. Somethin's wrong. Somethin's powerful wrong.

GULLY. Yes, there is something wrong Sam, if you must know; something *is* powerful wrong. But there; go, do you hear?

SAM. (*Snatching away Bible and nearly upsetting Gully.*) Want to make things more comfortable for your legs; thought the Bible might hurt you, you know. (*Exit L. limping, and dodging hymn book.*)

GULLY. (*Solus.*) Poor, silly Charley didn't have the heart to come back and say good-bye to his old mother, and so I came for him and to get some papers from Snowe. (*Enter Col. Snowe with bag. L. followed by Sam.*)

SNOWE. Not here, Sam? Why, he promised to meet me here; promised to be at home here, waiting for me.

SAM. Berry sorry, Massa Snowe; but he is not here. P'raps dat gemman knows whar he is, Massa Snowe. (*Aside.*) Lor'! I wish he war a gemman.

GULLY. Ah! good evening, Judge Snowe, good evening. Delighted to see you; yes Judge, delighted to see you. Charley has gone. Your favorite and confidential clerk could not bear to say good-bye to

his mother, so he sent *me*, you know, to say good-bye for him and bring the papers.

SNOWE. But, he has not gone? He only to-day promised to meet me here; and he *will* be here.

GULLY. He will not be here; I saw him to the boat myself. (*Enter Charles Devine, drunk.*) What! you back?

DEVINE. Back again, like a bad penny. You see Gully—you see, I was waiting for the boat to start, such a crowd. Well, (*hic*) while I was waiting I went below, where you took me once. I saw the game going on. "All down! Down your bets! Monte! Faro! Roulette! Forty to one on the eagle-bird! (*hic*) Forty to one on the eagle-bird at Roulette!"

GULLY. I hope you won.

DEVINE. "Forty to one on the eagle-bird!" Just think of it. Forty times five hundred—twenty thousand dollars—and you in with me, you know.

GULLY. (*Aside.*) Why, he has won twenty thousand dollars! By the holy poker! A fool for luck. (*Aloud.*) We were both in together, you know, Charley.

DEVINE. Yes, (*hic*) both in together, you know. Well (*hic*) I just took my five hundred dollars in my fist so, you know, (*hic*) and I marched straight up to that table, and I planked her down on the eagle-bird—every cent—and cried, "Roll! Roll! Turn! Turn! Turn! Five hundred dollars on the eagle-bird! Twenty thousand dollars or nothing! Turn! Turn!! Turn!!!"

GULLY. Well! Well! You won, and——

DEVINE. Five hundred dollars on the eagle-bird! Twenty thousand or nothing! Turn!

GULLY. Well, well.

DEVINE. And he turned, you know, and——

GULLY. And, and——

DEVINE. And the eagle-bird (*hic*) lost.

GULLY. O, the drunken fool

SNOWE. Charley! Charley! You are drinking again. You will break your old mother's heart.

DEVINE. My mother! Don't say a word to *her!*
I—I—will reform to-morrow.

SNOWE. Well, well, Charley. About this business of mine. Come; be sober; be a man. You promised to start on this business this very night. You are a man I can trust. Can you go? Are you fit to go? Do you understand what you have to do?

DEVINE. Let me see. A girl—a child of one of the old families—a lost girl that our Sam had charge of, one of the orphans of the Mountain Meadow Massacre, is now an heiress—a great estate waiting for her. And—and—you just yesterday found out that she is in the mountains of California.

GULLY. (*Aside.*) An heiress—an heiress? If I can only get those papers, the girl and her fortune are mine. (*Takes out note-book and makes notes.*)

DEVINE. I am to go and find her. My salary you are to hand over to my mother, till I return.

SNOWE. Right, right, my boy. But now you must be off, you have a through ticket in your pocket. If you have gambled off your money you would do it again: no, not another cent! Sam!

SAM. Yes, Massa Snowe.

SNOWE. You really believe you would know that child still?

SAM. Shuah, Massa Snowe? Shuah! I would know dat chile, why I would know dat chile in Jerusalem. Why, Massa Snowe, *she'd* know dis old

black face for sure. She'd come right up to dis old cripple now.

SNOWE. Ah! But you must remember, Sam, it is now more than twelve years since the Danites and Indians murdered her parents, and took her from your arms on the plains, and she was hardly four years old at the time.

SAM. But I'd know her, shuah. And she—she'd know old Sam's black face anywhere. Dar ain't many of my kind, Massa Snowe, up in dem white mountains, and den, O, Massa Snowe, she'd know my songs. She'd fly to me like a bird, she would.

SNOWE. Your songs? Did you sing to her much, Sam?

SAM. Allers, allers. On dem ole plains, Massa Snowe. Why, she knowed my songs, every one. She'd sing a vus, and I'd sing a vus, and you see, if she'd hear me sing now, she'd come a runnin' right to me. 'Fore God she would, Massa Snowe.

SNOWE. Capital idea! Capital idea! Charley, you must be off, and at once. (*Takes out papers.*) These papers will give you directions where you may find the girl, and give you full authority to act when she is found. There is a false claimant, but this will be conviction strong as holy writ. Now, Sam, you can go; and remember, if this girl is found, your fortune is made.

SAM. I don't want no fortune, Massa Snowe. I wants to see dat chile once more before I dies—poor, poor baby in de mountains.

SNOWE. I say, Sam! Do you think there are any marks by which she can be identified?

SAM. Marks? Marks? Massa Snowe, marks dat she will take wid her to her coffin, yes! Why, dar come de Danites, painted red, and howlin'

and a choppin', and a shootin', and a stabbin'. O, Massa Snowe, it makes me sorry; it makes me sick, to t'ink of it. A whole heap of men and women heaped togeder in he grass and dusty road, dead. And den, dis little gal a 'nestlin' up to me, a hidin' in ole Sam's busum, de blood a runnin' down her arm, and all her folks dead. A great big gash dar. (*Pointing to arm.*) Know her? Know dat chile? I'd know dat chile in Jerusalem, I would.

DEVINE. Why, my poor old Sam, don't break up that way.

SNOWE. That, Charley, is the child you are to find. A large tract of land in Santa Clara, on which a city has since been built, was the property of the family, who were on their way to take possession at the time of the massacre, and she is now sole heiress to the entire estate, which is of enormous value. Of course there are many pretenders to this fortune, but this I *know* is the real heiress.

GULLY. (*Aside.*) It's the biggest thing out—a mine of gold. A regular Bononza mine to any one who has the nerve to work it.

SNOWE. (*Glasses on and examining papers.*) She is a woman now, I suppose. You see, in the great Mountain Meadow Massacre, the Indians, led by the Danites, killed all except the children of three and four years of age. The little orphans, forty or fifty in number, were taken up by the Mormons and Indians, and in a few years were almost forgotten. I have sent agents searching everywhere, but have always been disappointed. But now, I have a new hope and with care it shall become a reality. (*Rises and crosses stage. To Devine.*) It is a beautiful and strange superstition of the Indians that they will not kill a negro.

DEVINE. An Indian will not kill a negro?

SNOWE. No. An Indian of the plains will *not* kill a negro. In this case they spared poor old Sam only because he was black. The Indians took her from his arms and let him go. I have great hope. For, if the child can remember anything at all, she will remember old black Sam. Charley, it shall be your task to find her.

DEVINE. A delightful task! I shall so like to get out and up into the mountains, and heart of the Sierras; such scenery! such air! The smell of the fir and tamarack! Ah! I shall reform there.

SNOWE. (*Handing papers to Charley.*) You are to take these papers, go directly to the Sierras, and sit down there quietly in the heart of the mountains, get acquainted with her there; get her confidence; find out what she remembers of her old negro and all. Then make your application to the courts in behalf of this orphan child, and present your papers and authority. And if really necessary, I will come with black Sam, to satisfy the laws and the State. (*Retires up stage.*)

GULLY. (*Aside.*) I have an envelope and legal papers like those in my pocket. I was sued the other day. He is still half drunk. If I could only exchange them. (*To Devine.*) She is very rich, you say?

DEVINE. The richest girl, perhaps, in California. A city has been built on her lands, fortunately, and there is no computing her wealth.

GULLY. Charley, you go at once! Go! I see a fortune in it—a fortune—do you hear? And I'm in with you, you know. Go, find this girl. Find her, woo her, win her, marry her. And don't let her know she is an heiress until it's all over. The

biggest thing in America. Woo her, win her, marry her, before she knows anything about her good fortune. Charley, my boy, I congratulate you! I say that is the biggest thing in America. Go up there in the mountains in your good clothes, and take plenty of perfumery along with you, and you can win that mountain girl in less than a month. And when you have got the girl, send for old black Sam; prove her identity yourself, and let old Snowe go to the devil. And we're pards.

DEVINE. But this is unworthy of——

GULLY. There you go again, with your heart. All heart, and no head. Go, do as I tell you; but be sure you take plenty of perfumery with you, women like perfumery. Few women can reason, but all women can smell. Take plenty of perfumery.

DEVINE. You are a scoundrel, sir!

GULLY. I am called Lucky Tom Gully. I was born a gentleman. A gentleman without money. (*Aside.*) Of such men are scoundrels made. (*Aloud.*) I am a gentleman by birth, a gambler by profession. A villian from necessity. I say marry the girl, and we divide. You decline? Very well; good-bye.

DEVINE. (*Refusing hand.*) You scoundrel! But you are at least candid.

GULLY. The most candid man you ever knew in your life, sir, and— a scoundrel. (*Enter Mrs. Devine, R. Devine throws papers on table, receives her. Sam exits, L. Snowe greets Mrs. D. Gully takes papers from his pocket and exchanges them with those on table.*)

GULLY. (*Aside.*) Scoundrel, am I?

DEVINE. O, Mother, I am so glad you have come before—before I go.

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MRS. D. Before you go, Charley?

DEVINE. Yes, Mother, I did not want to tell you myself, but now I must. I go to California to-night.

MRS. D. To California? No! No! Not there. Not to *that* place of all places in the world. Not there, not there, I implore you.

DEVINE. Mother, I *must* go. There is no escaping; I must and must go to-night—now. And why have you such a horror of California?

MRS. D. My son, hear me, hear me. Your father is buried there. This you know. I never speak of it, for it breaks my heart. No, no, not to California. That cost your father his life.

DEVINE. Then mother, I am going to find my father's grave.

MRS. D. Charley, you may find a grave there if you go. You will find only a grave here when you return. (*Enter Sam.*)

SAM. Only jest time to catch de boat, Massa Charley.

DEVINE. Farewell, mother. It is my duty, and I must go. (*Embraces, catches up papers, seals envelope, crosses to Snowe, L. and takes his hand.*) To your care I entrust her. (*Exit, Sam following.*)

SNOWE. Confound the fellow; he has made me cry. (*Looking after, with Mrs. D. up stage.*)

GULLY. (*Taking out papers exultingly.*) They are mine! Mine! And she shall be mine! Fool! Go on your fool's errand, I shall be there before you. You will find the game bagged.

Curtain.

FORTY-NINE

ACT II.

SCENE: *Gambling House in Southern Sierras—Mississip at Table, dealing Faro—Gully and Col. Billy Playing—Belle Watching Game—Miners Grouped About.*

MISSISSIP. All down! Down your bets! The game is made! Roll! And again lucky Mississip rakes in the money.

COL. BILLY. I have lost my alce!

GULLY. Ante, Col. Billy, and pass the buck.

COL. B. Lucky Tom, you (*hic*) got my lãst cent.

GULLY. And intend to keep it, too. You see, you have been rather rough on me since I came to this camp. I owe you a grudge and I intend to pay it.

COL. B. Well, I'm glad there is something you intend to pay, if it is only your grudges.

GULLY. What's that, you old beggar!

MISS. No; don't kill the man in the house.

COL. B. No! Don't kill a man in the house; it might stop the Faro game. Take 'em outside if you want to (*hic*) shoot 'em. Total wreck! Total wreck!

MISS. All down! Down your bets! The game is made! Roll.

COL. B. Mississip, where is Carrots? I didn't come here to gamble and get drunk. I came to see *her* and (*hic*) hear her sing.

MISS. Where's Carrots? Out with old Forty-Nine, when she ought to be at work. O, won't I make it hot for her when she comes in! Roll!

COL. B. (*Aside to miners.*) Bet the old cat has got her locked up in that 'ere cellar. I tell you

boys we ought to do something for that little gal, even if she is a saucy imp, and all that. Old Forty-Nine can't keep her any more. He's all busted up and about starvin' himself. That old tunnel. Humph! She has to go to sing and dance to get a bit of bread. Total wreck, total wreck. (*Entreats barkeeper for drink, who shakes head. Miss. also refuses.*) Total wreck! Total wreck!

GULLY. O, go 'way and don't bother the game.

MISS. Put him out, Lucky Tom, put him out.

COL. B. You better order your coffin, (*hic*) before you try it. I'm one of the old 'uns, I am. Don't care if you do carry a bowie. I came to this 'ere camp too early in the mornin'. Why you only came here last month and you think you own the town. Put me out! I should radiate. Used them things for tooth-picks in '49 and spring of '50.

BELLE. Well, Col. Billy, if he wants to put you out he will.

COL. B. Your humble servant, Miss, but he don't want to, he don't want to (*hic*) put me out.

BELLE. No, no, he don't want to; do you dear?

GULLY. Not if he behaves himself, my darling.

COL. B. Well, all I want to know is, Mississip, where's Carrots, and why don't you get *her* clothes like this one's? Carrots does all the work and Belle wears all the clothes.

MISS. Because, Belle is a lady and Carrots is nothing but a little saucy Injin and don't deserve good clothes. And now, d'ye mind that. The Injin!

COL. B. Injin! Injin! Well, she's the whitest Injin I ever seed. A red-headed Injin. Say, Belle's blacker than forty Carrots.

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GULLY. Now, you — (*Is about to draw bowie.*)

COL. B. Why don't you pull it? I want to see it; hain't seed a bowie since '49. Bah! You coward! (*Carrots sings outside. Miners all turn and listen.*) That's Carrots! That's our Carrots, boys!

BELLE. (*Aside.*) That hateful Carrots. The men all turn from me to hear her sing. The hateful singe-cat. I despise her.

COL. B. That's Carrots! That's Carrots: and old Forty-Nine, my chum, ain't far off.

BELLE. I don't see what Forty-Nine sees in her.

COL. B. Don't see what Forty-Nine sees in *her*? Why, he sees in her, soul, (*hic*) heart, humanity. She's the sunshine of his life. She's the champagne and cocktails of this 'ere camp, too. (*Miners applaud. Miss. starts up angrily, and they shrink back.*)

[*Enter Carrots, singing snatches of song, bow and arrows in hand, dress all torn, hat hanging by its strings, and hair unkempt.*]

CARROTS. (*Flourishing bow and arrows.*) Knocked a chipmunk clean out of a pine top, Col. Billy. Yes, I did. Old Forty-Nine was with me away up yonder. Yes, and he's come home by his tunnel to give my flowers to old sick Jack. Be here in a minute.

MISS. (*Storms across stage; miners in terror of her.*) She's broken up the game. Here! (*Seizes Carrots by hair.*)

CARROTS. Oh! oh! Now you jest let up! Let down! Let go!

MISS. Give me that, and tell me where you've been.

CARROTS. O, please, Mississip! Please let go my

FORTY-NINE

bow, and I'll never, never, never—— (*Lets go.*)
You old hippopotamus. Notion to knock you like I
did chipmunk. (*As if shooting.*)

GULLY. You imp! You Injin! (*Cuffs her, and
takes bow behind bar.*)

MISS. Now, you ever dare touch that bow and
arrows again, and I'll skin you alive.

CARROTS. Can't I have my bow? Forty-Nine
made it for me. It's mine. Why can't I have my
bow?

MINERS. Yes, why can't she—— (*Miss. starts
for them, and they shrink in terror.*)

MISS. No! You can't have your bow.

CARROTS. Well, Belle's got a beau, think you
might let me have mine.

MISS. Here! Come here! (*Seizes Carrots
again by hair.*) Now, do you get into the kitchen
there and stay there till the dishes are all washed,
or down into the cellar you go. (*Drags her to door,
L.*) Do you hear, you brat? You beggar?

COL. B. Shame! Don't kill the gal.

MISS. Mind your own business.

COL. B. Well, this is my business. (*Crosses.*)

GULLY. No you don't. (*Thrusts him back.*)

MISS. Bite me, will you? (*Hits and throws her
in corner, L. Miners start to help; Miss. drives back
and they down R. Enter Forty-Nine, C. with
Squirrel and comes down to miners, R: C., laugh-
ing.*)

'49. Plenty water for the miners now. Phew!
What a storm. But I found her, Col. Billy. (*Billy
kicks out at Miss. and miners all try to attract his
attention to her.*) Yes, I did. And where do you
think? Why, away up the mountain, yonder, nearly
agin' the snow; and pickin' of flowers for old sick

Jack, and a singin' too, like a robin, all to herself. Ha, ha, ha. And that's the way I found her. And a comin' back she shot that squirrel with her bow. Knocked its eye out away up in the top of a pine. But where is she? (*Carrots attempts to rise. Miss. forces her back. Miners signing Forty-Nine to look.*) And what's the matter with you all? And where's the old hippopotamus?

MISS. Where's the old hippopotamus, eh? Well, here she is, and I'm just going to stamp the life out of this brat! (*Throws her again on floor.*) And you dare interfere. (*Is about to stamp. Forty-Nine rushes up, seizes her with show of strength and holds her at arms length.*)

'49. O, I guess not.

MISS. You! You! I'll pizen you.

'49. What's that? say! (*Leads her to chair and forcibly seats her.*) Now, you take an old man's advice and let that gal alone. What right have you to strike her anyhow?

MISS. Well, I brung her up, and I——

'49. Brung her up? Yes, on sage brush. (*Carrots down stage, and hides from Miss. behind Forty-Nine. He sits with her, puts back her hair from her face, and kisses her. Col. B. comes forward.*) Well, Col. Billy, old pard, how are you?

COL. B. (*Spitting cotton.*) Dry, very dry. Total wreck, and dry. (*Miss. shakes her fist, and talks to Gully.*)

'49. Dry? Ha! ha! Well, I ain't. That old tunnel is drip, drip, drip. Oh! my rheumatics! I'm not dry. I hain't been dry for nigh onto twenty years, Col. Billy.

COL. B. Well, I've been dry for nigh onto a thousand years, seems to me.

'49. Billy, just wait. Just wait till I strike it in that tunnel, and we'll go to New York and buy—buy the Astor House. Yes, we will, bar and all.

COL. B. Good! good! But you won't strike it. No, you won't never strike it while I live. Why, if I wait for you to strike it in that old tunnel, I'll be so dry—well, I'll be all evaporated.

'49. Ha, ha, ha! There's gold in there. I've been here since '49, and I'd ought to know. I'll strike it yet, Col. Billy. And you won't evaporate.

COL. B. Yes, I will evaporate. We all will. Won't we, boys?

'49. Well, then, come, let's have a drink. Come boys. (*All rush to bar.*) I feel chilled to the bone. (*Leading Carrots, who makes faces at Miss.*) See there, boys. She did it. Took its eye out with the bow and arrows I made for her. There, bar-keep. Have it for your dinner. Might have a meaner one. Yes, you might have a worse dinner than a chipmunk, bar-keep. (*Col. B. is very thirsty.*) Why, when I came her in '49, that 'ere squirrel would ha' been a dinner fit for a king. Tough times, then, I tell you. Them's the times, too, when we used to have a man for breakfast; women was so bad, and whiskey was so bad, Col. Billy. Yes, yes. But now that I've that tunnel, and am going to strike it right away, I wouldn't eat chipmunk, no! (*Raises his glass, all eager; and then drops again. Miners disappointed.*) And, when I do strike it and get back to my wife and little blue-eyed baby in the cradle, on the banks of the Mississippi—(*Carrots clings to him.*) O, I'll take you, my girl. Oh, never do you fear, I'll take you. And I'll take a big buckskin bag of gold-dust, yellow and rich and beautiful, as your beautiful hair, my girl.

And we won't let 'em know we're comin'. No. We'll just slip up to the cabin there; slip up through the corn, and just slip in quiet like, while my wife's busy, and looking the other way, and then we'll crawl up to the little cradle settin' *there* in the middle of the floor, and we'll just pour the gold down at that baby's feet as it lies there a crowin' and my wife will turn and see it all—Gold! Gold!! Gold!!!

COL. B. Forty-Nine! Forty-Nine! You must'nt think of that, you know. Your head. You mustn't talk of the States. You know it makes you wild to talk of the States.

'49. I forgot, I forgot. Forgive me boys. Here's to—to—to—*her*. (*Enter Devine C.*)

'49. 'Frisco chap, eh? Have a drink, stranger?
DEVINE. No, I rarely drink, thank you.

COL. B. Rarely drink! Well, he ain't from 'Frisco.

GULLY. (*Aside; starts up from table.*) Charley Devine! By all that's devilish! He's found this out of the way place without papers and without money. Well. Here's for the old game of bluff. Fortune favors the brave. Hello, Charley?

DEVINE. Gully! You here? Gully! Lucky Tom Gully. Well, I'm the lucky man this time, for I'm flat broke.

GULLY. (*Aside.*) He does not even suspect me. Well, *I'm* your friend and will help you. But what's the trouble?

DEVINE. Well, you see, I was very mellow that night I started; had gambled off all my money, and when I awoke in the steamer about noon the next day, I found that I had either lost the papers, or, in the hurry of my leaving, Col. Snowe had given me the wrong package. Only some old papers of yours,

where you had been sued for a tailor's bill. Ha, ha, ha! Well, you know how gruff and stern Snowe is. I couldn't go back, and then, I wanted to try and find something about my father; if possible, to find his grave. And as I knew the name of this place, I at last managed to get here. But how is it you are here?

COL. B. Treat an old miner? Been here since '49, spring of '50. Treat an old miner? Total wreck, total wreck.

GULLY. Billy, you're drunk.

DEVINE. Been here since '49? He may have heard of my father.

COL. B. What might be your father's name, young man?

DEVINE. Mr. Devine—Charles Devine.

COL. B. Ah! A gospel sharp, eh?

DEVINE. No; not a preacher; a miner.

COL. B. Devine; Devine. Where have I heard that name before? Oh! Devine blessing, devine being. Any relation to——. No offence, stranger, no offence. Total wreck, total wreck. (*Crosses to Forty-Nine.*)

DEVINE. And you come here to mine?

GULLY. To marry.

DEVINE. To marry? Why, there are no marriageable women here in this dreadful place, are there?

GULLY. There is one marriageable woman, and I am engaged to her.

DEVINE. I congratulate you. I congratulate you with all my heart.

'49. It's queer, Carrots. The new one looks square. But that Lucky Tom is three-cornered. He's as triangular as a dinner gong. Let's see

what's going on. (*Rises. Carrots dances across before miners, and stops suddenly in front of Devine.*)

CARROTS. Hello! What's your name?

DEVINE. Well, my little lady, my mother calls me Charley.

'49. (*Aside.*) Ah? Somebody used to call me Charley.

DEVINE. Now, what's your name?

CARROTS. Carrots!—Just Carrots. That's all.

'49. Good evening, sir.

DEVINE. Good evening. Carrots! Queer name.

'49. Well, you see we baptize everybody over again here, and give 'em new names. We call *her* Carrots, because—well, because her hair is like gold, sir. Twenty-four carats fine, and all pure gold. That's why, sir. And sings; why, she sings like a bird. (*Carrots sings a couplet and dances.*) Just look at that. When I strike it in my tunnel, I'm goin' to take her back with me to the States to tend and sing to my little baby. Have a drink, Mr.—Mr.—Charley?

DEVINE. Well,—Thank you. Don't care if I do. It's damp out of doors. Then I want to know you better, sir. You look to me as if you might be the king of these Sierras. Yes, I will drink with you.

'49. That's right. You see I'm old Forty-Nine. The boys all know me. I'm goin' to strike it in my tunnel next week, and go back to the States. I'm tired of this. Tired, tired. I want to see my wife and baby.

DEVINE. Why, what part of the States?

COL. B. (*To Devine.*) Stranger! Mr. Charley. Don't, don't you never git him on that. He's a little. (*Taps head.*) You see he's been waitin' so

FORTY-NINE

long, and been hopin' so long, its turned him jest a little. No. Never let him talk about that. He's all right on other things, but not that. Never, never let him talk of the States, Stranger.

DEVINE. Well, then, I won't.

CARROTS. (*Crosses to Miss.*) I want my bow.

DEVINE. Daughters of hers, eh? Well, they don't look much like sisters.

'49. They ain't. That is, I reckon they ain't, though she says they are her daughters. But guess they ain't. I've been here since '49 and I'd ought to know.

MISS. Go and wash them dishes I say.

'49. Now, look at that.

DEVINE. Well, I should think neither of them were her daughters. It is one of the laws of nature that monsters cannot propagate their kind.

'49. She's a tough citizen, I can tell you.

DEVINE. (*Aside.*) Can it be possible that one of these girls is the child I am sent to find? (*To Forty-Nine.*) Tell me, where did these girls come from?

'49. That's more than the oldest of us here can tell. You see these mountains were full of people once. Full, like a full tide of the sea, when we first found gold here. The tide went out, and left the driftwood, and sea-weed, and wrecks. These are of them; I am of them.

DEVINE. But Carrots. Where did she come from.

'49. Don't know, I say. They took some Injins to the reservation that she was with, and after that, she was seen, a mere baby, begging about among the miners.

DEVINE. And when was this?

FORTY-NINE

COL. B. Spring of '57.

'49. Yes, guess it was. He's got a memory. Was a great lawyer once.

COL. B. Yes. And don't you know, Forty-Nine, we first called Carrots the baby?

'49. Yes. And do you remember the time she stole some raw turnips?

COL. B. Yes, and ate them, and got the colic, and like to died?

'49. Yes. And Poker Jack got on his mule to go to Mariposa for the doctor.

COL. B. Yes. And got into a poker game, and didn't get back for four days.

'49. Yes. And the doctor didn't come, and so the baby got well.

COL. B. Just so. Just so, Forty-Nine.

DEVINE. Thank you. And the other one?

'49. Well, that mout be her child; but I guess she got picked up, too, by old Mississip. Wanted 'em to sing and dance, you know, for the boys. But you see Belle, she's stuck up. Guess she's got blood in her. I don't like her at all like I do my little Carrots; but I guess she's better stock. Leastwise, the old cat there makes a heap of her. But, I tell you, she just knocks the head off Carrots about four times a day. And when I strike it in that tunnel, I—— (*Enter Carrots, singing and laughing, and gets behind Forty-Nine for protection.*) That's her; that's Carrots, all over. Got no dignity; but lots of heart.

DEVINE. (*Aside.*) This can't be the girl. Water finds its level. She has sunk to the kitchen. The other one is the lady. I will talk to Gully. He seems to be most intimate with her. (*Crosses to Gully.*)

'49. What, ain't going, are you?

FORTY-NINE

CARROTS. O, yes, Forty-Nine. Let him go. You'll drink too much and have one of your spells again. Come, let's go up to the cabin. (*Steals bow and arrows. Miss. starts up. Carrots escapes to Forty-Nine.*)

'49. What's the matter now? Poor gal. But don't she catch it when I'm sick. Just like that all the time when the boys or me ain't about. What's the matter now?

CARROTS. She's just almost scalped me, she has.

BELLE. Here Carrots, bring me a foot-stool.

CARROTS. There! That's for your feet. Now, don't you want something for your head?

BELLE. Don't you make faces at me.

MISS. Don't be saucy to my darling, you brat.

'49. Come here, Carrots, and give us a song.

MINERS. Yes, a song.

CARROTS. I ain't got no song.

'49. Yes, just one song for the boys, Carrots, and we'll go up to the old cabin.

MINERS. Give us "The Days of Forty-Nine."

CARROTS. Shall I, Forty-Nine? Will you all join in?

MINERS. Yes, yes.

COL. B. I will assist.

CARROTS. All right. Join in the chorus all of you. (*Sings.*)

We have worked out our claims we have spent our gold,

Our barks are astrand on the bars;

We are battered and old; yet at night we behold

Outcroppings of gold in the stars.

And though few and old our hearts are bold;

Yet oft do we repine

For the days of old,

For the days of gold—

For the days of Forty-Nine.

FORTY-NINE

CHORUS.—Though battered and old, our hearts are bold, etc.

Where the rabbits play, where the quail all day
Pipes on, on the Chapparal hill,
A few more days, and the last of us lays
His pick aside and is still.
Though battered and old, our hearts are bold,
Yet oft do we repine
For the days of old,
For the days of gold—
For the days of Forty-Nine.

CHORUS.—Though battered and old, our hearts are bold, etc.

We are wreck and stray, we are cast away,
Poor, battered old hulks and spars,
But we hope and pray, on the Judgment Day,
We will strike it, up in the stars.
Though battered and old, our hearts are bold,
Yet oft do we repine
For the days of old,
For the days of gold—
For the days of Forty-Nine.

CHORUS.—Though battered and old, our hearts are bold, etc.

MINERS. Bravo! Bravo! Bravo! (*All feel in pockets and shake heads.*)

DEVINE. Here's a dollar for you. (*Aside.*) And the last I have.

CARROTS. (*Seeing Miss. watching.*) She will lock me in the cellar, and take it away if she knows it. Mississip will, unless I give it up.

'49. Keep it Carrots.

COL. B. I say Carrots, let me double it.

CARROTS. How?

COL. B. Put it on the ace. (*Car. laughs, dances up stage and back. To Chas.*) But don't you gamble, sir. Never do you risk a cent. But, I say,

FORTY-NINE

this 'ers the winnin' card. Haven't got five dollars about you?

CARROTS. Oh! Forty-Nine. She will lock me up in the cellar unless I give it up. (*Miss. comes down savagely. Miners give way before her. Seizes Car. Grabs at money.*)

DEVINE. I thought giants lived here, who righted wrongs on the spot?

COL. B. *We* are total wrecks.

'49. Oh yes. The victors have gone away, and only the unfortunate, the dead, wounded and prisoners are left.

COL. B. Yes sir, we are total wrecks.

DEVINE. How hard the old monster is to one, and how kind to the other.

'49. There's somethin' wrong; somethin' wrong. Time alone can set it even. Come, Carrots, we must get back to the cabin. (*Going.*)

DEVINE. And may I not come to the cabin too, some day?

'49. You will be as welcome as the warm winds of these Sierras.

CARROTS. We've got a bull dog tied to the door. Got it for him. (*Pointing to Gully.*)

DEVINE. (*Laughing.*) I'll come, dog or no dog.

'49. We drink water out of the same spring with the grizzly bear.

COL. B. Drinks water! Bah! Like a hoss!

'49. I've got a tunnel there. I've bored half a mile into that mountain.

DEVINE. I will come. I—I—May I not come to-night? I am a stranger, and poor, and—

'49. Poor, and a stranger? (*Grasps hand.*) You are my guest. And when you are ready, we'll go.

CARROTS. (*Aside.*) I'm so glad. I like the

looks of him. (*Fixing up.*) I wonder if he likes the looks of me?

DEVINE. One word to my old friend here, and we will go. (*Goes to table, and takes Gully aside.*) I can't say how glad I am to find an old friend here. I was in a great strait. But this old miner has kindly offered me shelter in his cabin, so that I am all right. Still, I shall need a few dollars to push this business I was sent out on.

GULLY. Look here! You are an innocent. That business don't need pushing. I will attend to that.

DEVINE. What do you mean?

GULLY. Just what I said. There is the prize. There sits the heiress of Santa Clara. Now keep your secret, as I do mine, and win her from me if you can. But tell her who she is, and you shall never leave these mountains.

DEVINE. And this is the girl you are engaged to?

GULLY. The same. The heiress of Santa Clara.

DEVINE. And you intend to ruin the girl I have been sent to save?

GULLY. Ruin her? I intend to make a lady of her. What is she now? With her fortune, I will make her a lady—and myself a gentleman.

DEVINE. That is impossible.

GULLY. Beware!

MISS. O, I say, you ain't got any secrets, eh? You two hain't puttin' up no game on we uns, eh?

GULLY. Secrets? Ha, ha, ha! I never saw the man before in my life. But I have heard of him. (*Aside to Devine.*) Now you know the game I play. Beware.

DEVINE. I must and will save that girl. (*Starts toward Belle.*) I have a duty and will do it.

FORTY-NINE

GULLY. (*Steps before him.*) You must and shall keep this secret.

DEVINE. (*Pushing past him and to Belle.*) You must not marry this man till you know who he is—who you are—you are a lady.

MISS. As if we didn't all know that.

DEVINE. Hear me! I am sent here to save you. The proofs—the papers, I had—

GULLY. (*Steps between and forces down stage.*) And I have! (*Holds up stolen papers.*)

DEVINE. What! My papers!

GULLY. (*Cooly.*) No, mine! "All is fair in love and in war."

DEVINE. Then you are not only a liar but a thief. (*Gully grasps bowie. Forty-Nine comes down C.*)

GULLY. You dare defy me? Then take that. (*Draws bowie and makes lunge at Dev. Forty-Nine springs forward, catches him by the arm with great show of strength, bowie drops point into stage. Car. draws bow and arrow on Miss.*)

Curtain.

ACT III.

SCENE: *Cabin L., old, moss grown—Practical door—Cupboard on wall; table, benches, background of huts, tunnels, mining tools, etc.—Sunset on snow-capped mountains in distance—Time, Christmas Eve.*

(Enter Gully elegantly dressed in California Costume.)

GULLY. Lucky! Better born lucky than rich any day. Lucky! Why they called me Lucky Tom Gully on the Mississippi steamers when I was a gambler. Lucky Tom Gully, when I was a loafer in Chicago. And I had not been in the mines a month till the miners called me Lucky Tom by intuition. Lucky! *(Lights cigar.)* I'm to be married to Belle to-night. But somehow I don't feel quite solid, with that young fellow and Forty-Nine at swords' points. I must make up with them. Let me see—I'll ask them to my wedding. It's a bold stroke. But it is the bold stroke that wins. Poor Charley Devine. I quite paralyzed him with my boldness when he first came to the camp. He has not spoken to me since. Poor simpleton. Pegging away in that old tunnel, without a cent, or even a coat to his back, or shoe to his foot. *(Carrots sings, R.)* Carrots! Why am I afraid of that girl? Afraid? *Is it fear?* Yes, it is fear that drives me to make friends with them—all three—after doing all I could to destroy them. An honest set of idiots, that I hate, and yet fear. *(Enter Carrots, coming down from rocks; carrying basket; bread hidden by flowers and evergreens; singing.)*

CARROTS. Hello! Store Clothes! Now what do

FORTY-NINE

you want in old Forty-Nine's door-yard? Better not get inside. A bull dog in there.

GULLY. (*Aside.*) Hates me as bad as ever. It's not safe to have such enemies. Carrots, listen to me. I've come to ask you and Forty-Nine, and that other fellow, to my wedding.

CARROTS. You don't say so? Well, I don't think Forty-Nine and "that *other* fellow," as you call him, will come to your wedding. But, I'll tell you what I think they would do, if you like, and will ask them.

GULLY. Well, my dear little wild flower, what would they do if I asked them?

CARROTS. Do you want to know right now?

GULLY. Yes, my dear girl, I should like to know what they would do for me. For, you know I would do a great deal for them.

CARROTS. Would you, though? (*Aside.*) O, don't he smell sweet. (*Sits at table; arranges flowers.*)

GULLY. Yes, I would. But what is this they would do for me?

CARROTS. Well, I'll tell you. I know they won't come to your wedding. But they would both be powerful glad to come to your funeral.

GULLY. Bah! You are in love with that fellow. In love with a beggar. Why, he has not so much as a loaf of bread.

CARROTS. Well, what of that?

GULLY. Why, what can he give you then?

CARROTS. That which is more to a true woman than all the gold of these Sierras—a true man's love. (*Enter Col. B., R. E.*)

COL. B. Banished! Banished by the vigilantes, at last.

GULLY. What! Driven out? (*Aside.*) It's my

work. He is not *for* me, and is therefore against me. He must go.

COL. B. Yes, new people come, call themselves vigilantes, and drives us old ones out. It's rough, it's tough. Total wreck; total wreck.

GULLY. Well, Col. Billy, shake hands and part friends. But it's too late to set out on a journey with your blankets to-night. What! Won't shake hands?

COL. B. Not with you, I reckon. Not with you. Pretty low down; total wreck; but never shook hands with a man that shook his friends, and never will.

GULLY. What do you mean?

(*Carrots alert.*)

COL. B. I know you are a vigilante. Yes, I know you by—by—the pure cussedness that's in you.

GULLY. Why I—I am not a vigilante. I am——

COL. B. A liar.

GULLY. What?

CARROTS. Stick to it Billy. (*Hands him knife with which she has been cutting flowers.*) He is a vigilante and the worst of the lot.

COL. B. You are! And you are the man that's been sending off all Forty-Nine's friends one by one, one by one. And at last you'll send *him* off and then Charley. O, you've got devilment in you. But I'll go. Total wreck; total wreck. I'll see old Forty-Nine just once more and go. Played out, played out. An old miner that never did any harm. That for twenty-five years dug out gold from the Sierras to make the world rich. But now—never mind. I'll go. I'll go. Total wreck. (*Drops knife on table and exits L. I. E.*)

CARROTS. Now do you see what kind of a critter

FORTY-NINE

you are? Poor, poor old Col. Billy. Why if he owned the whole Sierras and you came and wanted it he'd give it to you. And here you come and he must go. You won't let him have even a place to lie down and die in. (*Sits and again is busied with flowers.*)

GULLY. Carrots don't be too hard. The man is sent away because he has no visible means of support. All such men must leave the camp. I am going to get married and settle down and I want a respectable neighborhood.

CARROTS. Well, we can't have that while you're around.

GULLY. No?

CARROTS. No! Guess you'll go after Forty-Nine next. But if you do look out for lightnin'.

GULLY. No I won't; all such honest and industrious fellows like he is will remain and I will make friends with them.

CARROTS. Bet you a forty dollar hoss you don't make friends with him.

GULLY. O, but I will. I am going now to the tunnel to find Charley and Forty-Nine and I'll bet you a new silk dress they both come to my wedding.

CARROTS. I don't want any of your old new silk dresses. But they won't come. They are square, they are; not two-faced and triangular.

GULLY. Why Carrots, what do you mean? Come, let's be friends. (*Attempts to embrace her—she starts and takes knife.*)

CARROTS. Look here! Do you see that California thistle on the rocks in the warm winter sun?

GULLY. Well?

CARROTS. Well! But yesterday it was only a weak, helpless plant and you could have crushed it

in your hand, like that. But now it is strong and sharp and able to take care of itself! Sabe? Well, I'm just like that. Sabe John?

GULLY. (*Aside.*) Curse her! (*Aloud.*) Well, good-bye, for a few minutes. I will see Charley and Forty-Nine and you will all come to my wedding to-night. Yes you will. (*Exit R. 1. E.*)

CARROTS. (*Alone.*) To-night! Why, this is Christmas Eve and I must sing Forty-Nine his old song. Always on Christmas Eve he wants this song. (*Sits at table singing old negro melody, same as Black Sam sings in last act. Looks at leaves in basket, makes bouquet, sets it in old can on table.*) That bread's for his dinner. (*Sings.*) Wonder where I got that song. Think I knowed it always. (*Enter Col. B., L. E.*)

COL. B. (*Drunk and happy.*) That ain't Forty-Nine's Christmas song—*hic*—that ain't.

CARROTS. What! Not gone, Col. Billy? I'm glad of that.

COL. B. I got a drink, (*hic*) a farewell drink, down at the forks of the trail; a real, genuine, good farewell drink. (*Hic.*) Feel better. Won't go at all, now.

CARROTS. Good! You stay right here. This is the centre of the earth.

COL. B. It is. Why, I couldn't leave this place now. (*hic*) I should go round, and round, and round, like the sun around the world, and never, never git away. No! I guess I've dug holes enough in the Sierras to entitle me to a grave. And I'll stay—(*hic*)—go right back up to town and stay. If they want to hang, let 'em hang. Don't care anything to be (*hic*) hanged! (*Exit R. U. E.*)

[*Enter Devine, R. 2. E.*]

FORTY-NINE

CARROTS. Why, Charley, how excited you are.

DEVINE. No, no, never mind that; where is Forty-Nine?

CARROTS. Why, he *was* up to town, and I heard him ask the store man for credit; and the store man said he couldn't have even a cracker any more. So he limped off with his gun to get somethin' good for our Christmas dinner, I guess. But what's the matter, Charley?

DEVINE. Nothing, nothing my child—my darling. But, can you keep a secret? O, I do wish Forty-Nine was here. Can you keep this for me? Keep it as you would keep gold. (*Gives her marked package of papers.*) You will keep it; and the secret?

CARROTS. (*Hides in bosom.*) Keep it? As the stars of heaven keep the secrets of the better world, I will keep it.

DEVINE. Thank you! Thank you, my—my—my—love, my life. Yes, yes, I love you, poor, beautiful little waif of the camp, with all my heart. But there, I must back to the tunnel to my work. Tell no one I was here. Do not even whisper it to Forty-Nine. There! (*Kisses her.*) Good-bye. I will be back soon, soon, soon. (*Exit, R. E.*)

CARROTS. He kissed me! And he loves me! O, my patience! Kissed me, and kissed me, and kissed me! And said he loves me. Kissed me three times at on'st. It took my breath away! O, I'm so happy! (*Stops.*) He gave me this to keep. I wonder what it is? And I wonder what the secret is? And what the trouble is? But no; there is no trouble now. There can never be any trouble any more now, for Charley loves me. (*Enter Forty-Nine with hairy coon and gun.*)

'49. Hello, Carrots! (*Throws down coon; hobbles to her, laughing.*) Come down to take dinner? Goin' to sing the old Christmas song for me?

CARROTS. Yes, and I won't never go back to old Mississipp no more.

'49. That's right. You stay right here, and when I strike it, ha! ha! but, won't you kiss me?

CARROTS. (*Business of fixing mouth; laughing, as remembering Charley's kiss.*) Yes, oh, yes. There! I wanted to—to—to—kiss somebody again! (*Forty-Nine surprised.*) Does it? Do you? Did it—did it do you as much good to—to—— Do you like as well to be kissed as—as—— Do you feel as splendid as I did when—when—— Does it make you tingle all over, and feel comfortable and warm, and summery when—— (*Hiding face.*)

'49. Why, what do you mean!

CARROTS. He kissed me—he—Charley.

'49. Go—go—go—long.

CARROTS. Yes, he did. And he said he loved me, and he has gone back. (*Suddenly very serious.*) No, He—he—he wasn't here to-day, it was yesterday.

'49. (*Gaily.*) Well, I don't care when it was, or where it was. He's an honest, square boy; and when we strike it in the tunnel, I'll make you rich, rich. But it's rough times now. Hain't seen such times since '49.

CARROTS. Forty-Nine, tell me something. Didn't you never love anybody?

'49. Why, why yes, my girl. I—I loved my mother.

CARROTS. O, please, I don't like mothers. If old Mississipp is a specimen, I tell you they are tough citizens.

'49. What do you say, Carrots? Speak kindly of our mothers, child. We, the old miners of '49, never knew friends so constant as our mothers. When we came away out here, and left the world, our fathers forgot us, our sweethearts married and left us, but our mothers waited for us, and waited and waited, and then they died and went to heaven to wait for us there.

CARROTS. Then I wish I'd a had a mother. But I reckon I never had. No, I guess I never had a mother, Forty-Nine.

'49. Never had a mother, to love.

CARROTS. No; guess that's why I love Charley, ain't it? Didn't you ever never have anything to love, besides your mother?

'49. My child, don't ask me that, don't.

CARROTS. Why, I won't then, Forty-Nine, if it hurts your feelin's. But I kind o' like to talk about love now.

'49. Well, what is it I can tell you?

CARROTS. Why, about yourself. You are always shut up just as tight as a bear in Winter time. (*Fixing flowers.*) Weren't you never young? And didn't you never love no girl, like me?

'49. Yes, yes, yes.

CARROTS. And she didn't love you back?

'49. She did! God bless her!

CARROTS. (*Leaves flowers and crosses to Forty-Nine.*) And why didn't you marry her, then?

'49. I did—I did! Now, Carrots, you're liftin' up the water gates, and you'll flood the whole mine.

CARROTS. Well, I'm so sorry, Forty-Nine. I'm so sorry. But I want to know. I've got no mother to talk to, Forty-Nine, and I—I want to know how these things come out.

'49. I'll tell you, my honest child, just blushing into womanhood, I'll tell you.

CARROTS. Well, sit down on this rock here. Tell me, now, won't you?

'49. (*As not heeding her.*) And you like those lowly, little Winter flowers you have gathered from the rocks for Charley and me?

CARROTS. Yes; yes, they are lowly; and they ain't big. But they're so sweet, Forty-Nine.

'49. My child, in this cold, hard world, the sweetest flowers are lowly. The sweetest flowers grow closest to the ground.

CARROTS. And you did love her? Tell me, Forty-Nine, tell me.

'49. (*Still evasive.*) And Charley's got a sweetheart.

CARROTS. Yes, he's got a sweetheart, and I've got a sweetheart. Now, didn't you never have a sweetheart, Forty-Nine?

'49. No, no, no—Shoo—— Do you—you think it will rain this evening?

CARROTS. I don't know, and I don't care. I know I've got a sweetheart, and Charley's got a sweetheart. And didn't you really never have a sweetheart, Forty-Nine?

'49. My child, I—I—— Yes, I'll tell you. I never told anybody. But I'll tell you, and tell you now, and never do you mention it any more, for I can't bear to think about it.

CARROTS. Why, poor, dear Forty-Nine. Why I didn't know you ever could cry. There, there.

'49. Well, you see when it took half a year to come here, and half of us died getting here, why, the cowardly didn't start, and the weak died on the way;

and so it was that a race of giants came here in '49: men that could die, but not weep.

CARROTS. Yes, I know, Forty-Nine. The old boys were the best ones. But there ain't many of 'em now.

'49. Not many now. They're up there on the hill: up above the trouble of the world, nearer the pure white snow; nearer the great white throne.

CARROTS. O, Forty-Nine. But *her*. And don't, please, don't cry.

'49. Well, you see, that little baby that I left in the cradle, with its sweet, young mother bendin' over it—it comes before me all the time when I turn back to think, and it makes me cry.

CARROTS. But *she*; she was good and true?

'49. Good and true? Good and true, and pure as the gold I'm to find in the tunnel, and make you and Charley rich with, my girl.

CARROTS. And you will never see her any more?

'49. Yes, yes, when I strike it in the tunnel. But then you see, it was so long, so long, so long. When I began that tunnel I was certain I'd strike it in a month; then I said in a year. And all the time the little boy baby, crowin' in its cradle, and its sweet mother bendin' over it, waitin', waitin', waitin'.

CARROTS. Dear, dear, old Forty-Nine. But the little boy baby is not in the cradle now.

'49. Carrots! Carrots! It ain't kind in you to say so. It ain't dead! It's there! I can see it now! And her, her sweet, pretty face bendin' over it. You see we forty-niners never knew much of books, or were much for writin' letters. And then, you know, we wanted to surprise 'em at home. And so we didn't write, but kept waitin' to strike it, and go back and surprise 'em. A year slipped through my

fingers, and another, and another, and another, and another. And all the time these mountains, lifted like an eternal wall of snow, and the mighty plains, bald and bleak, and vast, rolled like a sea between. But I'll strike it yet. I'll strike it yet. And I'll see that little boy baby there crowin' in its cradle, and its sweet young mother bendin' over it. Only don't speak of 'em, don't speak of 'em, or you will break my old heart.

CARROTS. O, I'm sorry for you. It just busts me all up. I wonder if Charley—— (*Rising and aside.*) Well, I'd never let Charley go off like that, no sir'ee.

'49. But there, there; never mind. I'll see that baby yet. Yes, I will. I'll heap its cradle full of gold. Full, full of gold. And you are going to be rich, too, some day. I will strike it yet. You will be a great lady some day, see if you don't. But we must get dinner now. (*Picks up coon.*) It is going to be a glorious good dinner, too.

CARROTS. What are you going to have?

'49. This—coon!

CARROTS. What's Charley going to have? He's been working in the tunnel all day.

'49. He's goin' to have coon, too.

CARROTS. He won't like coon.

'49. Why not? Coon is better than horse, or mule, or dog. I've tried 'em all. I have been here since '49, and I reckon I ought to know; coon is the best thing for this season of the year, in the world. I have just been yearnin' for coon, just been pinin' for coon. Set the table, Carrots. (*Aside.*) Lord, how I do hate coon! (*Going, holding up and talking to coon.*) O, why did you cross my path? Why wasn't you a deer, or a grouse, or a rabbit, or a

squirrel, or anything in this world, but a horrible, greasy, ring-tailed coon? (*Exits into cabin L. 2. E.*)

CARROTS. Poor old Forty-Nine, and he loves her, and he left her, too. If Charley should leave me like that, I'd— (*Enter Devine, R., unobserved.*)

DEVINE. You'd what, my pretty pet? (*Kisses her.*)

CARROTS. O, Charley! Didn't think you was in a thousand miles of here; or I wouldn't have been thinkin' about you at all.

DEVINE. And, really, you ought not to think about me. I'm not worth thinking about: so much trouble; so much trouble.

CARROTS. Why, what trouble can there be, Charley, if you love me, and—and I love you, and all this beautiful world is our's to love in? But I must set the table now. (*Devine kisses his hand to her; sits on rocks, R., reading letter; Carrots sets table and sings.*) O, Charley, did you hear the news? Belle and—stop a minute! Will you take the news a little at a time, or all in a heap? Well, then, here goes, all at once! They are to be married to-night!

DEVINE. (*Aside.*) Belle to be married—to that man! And what will Snowe think of me? He must have heard it some how, and that is why he comes, post-haste.

CARROTS. And you used to like her, didn't you? You used to try to get close to her, and say things, didn't you? You liked her, and she liked the other feller. That's just always the way. Nobody never likes anybody that anybody likes.

DEVINE. O, set the table. I never loved Belle.

CARROTS. You never loved her?

DEVINE. I did, and I did not. Listen: a man with a heart must love something. Love—the love

of woman—is as necessary to the existence of a real man as the sunlight to the life and perfection of a flower. But until a man meets his destiny, reaches his ideal, he must of needs reach out to that which is nearest; as the vine climbing feebly up to the sun lays hold with its tendril on whatever it can, be it foul or fair, the heart of man takes hold of the highest nature that comes near his, and then waits its destiny. Jealousy is borne of an instinctive knowledge of this truth.

CARROTS. (*Starts, comes back.*) Hey?

DEVINE. You don't understand?

CARROTS. No; that's all Modoc to me.

DEVINE. Well, you will understand some time. So run along, now I am sad, and must sit and think.

CARROTS. All right! Just so you don't think of Belle. (*Enter Forty-Nine.*)

'49. Hello, Charley! (*To Carrots.*) Them your flowers smells so?

CARROTS. I don't smell nothin'; except Lucky Tom.

'49. I do! Whew! Coon, without ingerons, without crackers. I ain't seen such times, Carrots, since '49.

DEVINE. I am as hungry as a wolf, Forty-Nine. What have you to-day, for dinner?

CARROTS. (*Catches up and hands flowers.*) I brung 'em—I brunged—I bringed—I—brought 'em—from the mountains—away up against God's white snow.

DEVINE. And you are His angel, sent down from the golden gates. California flowers. Silent eloquence of the voiceless world. How beautiful! How perfect, and how pure? When my—what is that I smell?

CARROTS. Flowers!

'49. No! That's the coon—we will have coon for dinner. It is a dinner fit for a king—coon straight!

DEVINE. (*Laughing.*) If it tastes as it smells, I don't want any coon straight.

CARROTS. Yes, guess it is the coon. Thought at first it was the flowers. It smells strong enough to climb a tree now. Smells stronger than Lucky Tom.

'49. Now, look here, both of you. Just listen to me. There's a certain time in the year, in this peculiar glorious climate, when you require a change of diet. When you require coon. I have been here since '49. I reckon I'd ought to know.

CARROTS. Of course he knows. He's right. He's always right. I know that coon is—well, coon is coon.

'49. Yes, that's a fact. Why, you couldn't have such a dinner as coon straight in New York for love or money. No, not even in London. (*Carrots sets table and sings.*)

CARROTS. There's the salt and the mustard, and where's the pepper? Forty-Nine, where's the black pepper? Oh here's the black pepper. And here's the red pepper. And here's the grey pepper.

DEVINE. Anything else?

CARROTS. Yes. There's the tooth-picks. What magnificent tooth-picks for this time of the year.

'49. Did you set on the pepper there?

DEVINE. (*Sneezing.*) She set on the pepper; and that's about all she did set.

CARROTS. Dong, dong, ding dong. First bell.

'49. Yes, little Sunshine, let's make the best of it.

DEVINE. Will you allow me? (*Conducts her to table, and all sit.*)

'49. (*Carving coon.*) It's a grand thing to live in a country where you can get coon whenever your health requires it.

CARROTS. It's a delicious coon, Charley.

'49. (*Eating eagerly.*) It's a grand dinner.

DEVINE. Some bread, please.

'49. Eh?

DEVINE. You forgot the bread.

'49. I didn't forget the bread. You never eat bread with coon. Coon and bread don't go together. Indians never eat bread with their coon. I've been here since '49, and I ought to know.

DEVINE. But I'm not an Indian, and I can't eat without bread.

CARROTS. You don't expect to get everything—bread and coon—and—everything at once, do you?

DEVINE. I can't eat this without bread.

'49. Look here; be a good boy, and eat your coon.

DEVINE. Hungry as I am, I cannot eat this.

'49. (*Rising slowly and sadly.*) Well, then, listen to me. I have done the best I could. I tried to hide it all from you, but I can't any more. A good many times, lately, I have said I was sick, and I didn't eat. It was because there was not enough for both of us. I wanted you to eat and be strong, so that you could strike it in the old tunnel. Now, there is nothing more to eat. Nothing more for any one. Charley, more than twenty years I worked on in that old tunnel there—all alone, till you came. I believed every day that I would strike it. All my companions are dead, or have made their piles and gone away. All along the long and lonely road of my hard life, I see, as I look back, little grassy mounds—they are the brave miners' graves. I am

the last man left. The grass every year steals closer and closer down about my cabin door. In a few years more the grass will grow over that door-sill; and long, strong, and untrodden it will grow in my trail there; the squirrels will chatter in these boughs, and none will frighten them away—for Forty-Nine will be no more! And yet, for all that, I have never complained. I did believe, and I do still believe, we will strike it yet. But, now—but now! If you love me, eat your coon!

DEVINE. My dear, old partner, forgive me. Why didn't you tell me of this before?

'49. If you love me, eat your coon——

CARROTS. Take a tooth-pick, then. I didn't mean that, Charley. You shan't be without bread. Here! (*Takes loaf from basket under table.*)

DEVINE. Why, where did you get this?

CARROTS. Up there, of *her*—old Mississip.

DEVINE. Then it's her bread, and I won't eat it.

CARROTS. It ain't her bread. It *was* her bread, but I stole it, and it ain't her bread any more.

'49. My poor child, what have you done!

CARROTS. Nothin'. I knowed, Forty-Nine, you had no bread. They've got lots of bread, and I don't care that—(*snaps finger*)—for the whole lot. (*Devine looks troubled.*) Why, it wasn't nothin', was it, Charley? If it was, I won't never, never steal any more.

DEVINE. It was very wicked, a crime. Yet, if you, a mere child, hungry, knowing neither right from wrong, are guilty, for taking bread, how much more guilty am I? Forty-Nine, hear me. (*Starting up.*) That man, Gully, came to me to-day, taunting me with his good fortune and my misery. He came in that tunnel to ask me to his wedding. And there,

deep in the dark earth, face to face, man to man, I fought him, overthrew him, weak as I was, and took from him a package of papers. I gave it to her to keep. I am a robber!

'49. Why, my boy; what? what do you say, Charley?

DEVINE. I knocked him down and took those papers from him.

CARROTS. Yes, and I'll keep 'em, too.

'49. Charley, Charley! The Vigilantes! The conscience of California! The Vigilantes!

CARROTS. (*Taps bosom.*) I'll keep it till the cows come home, vigilantes, or no vigilantes!

'49. My poor, poor pard.

CARROTS. Gully is one of the Vigilantes, Forty-Nine.

'49. Yes, and so merciless! Give me the package. (*Hands package.*)

DEVINE. Why, what will you do with it?

'49. When they come for it, boy, as they will, I will give it up. Yes, that's right, Charley. That's squar'. They won't, you know—they won't dare to hurt me. Why, I've been her since '49. They won't hurt me, boy. I'm old Forty-Nine. Oh, they won't hurt me. (*Is greatly troubled, but affects cheerfulness.*)

DEVINE. You take a great load off my shoulders. I was robbed of those very papers, which made my mission here worse than useless. I wrote back to the hard old lawyer, and he has answered very gruffly that he will come on and tend to the business himself. He may be here at any moment. He will find me a robber when he comes.

'49. There, there, my poor pard. It's all right, it's all right. Now, Carrots, this is Christmas eve.

FORTY-NINE

CARROTS. And at ten o'clock tonight I am to sing you your song.

'49. To sing my dear old song for me. Now, don't you forget.

CARROTS. O, I won't. Why, I've sung that song for you every Christmas eve, haven't I?

'49. Yes, yes, my pretty. (*To Devine.*) You see, when I was in the—in the—States, my—my—we always sang this little song on Christmas eve together. For, you see, it was on Christmas eve that she—well, we were married on Christmas eve, too, ha! ha! and so when I was comin' to California, in '49, we promised each other, that wherever we were, or whatever mountains or seas divided us, we would each, at ten o'clock, precisely, sing this song, and think of each other. I can't sing now, but I have taught Carrots, and she sings it for me.

DEVINE. (*Aside*) How strange! My mother taught me the same fancy. (*To Forty-Nine.*) A beautiful thought. (*Crosses R., looks at sunset; dark stage.*) It's sunset here, and so it is ten o'clock where mother is now. And I must sing the song she taught me to sing at this moment, wherever I may be. (*Sings.*)

O, sing the song we loved, love,
When all life seemed one song.
For life is none too long, love,
Ah, love is none too long.
So sing the song we loved, love,
When all life seemed one song,

NOTE. [*Song barely audible above the music; Carrots and Forty-Nine attracted rather by the air than the words. Forty-nine starts and listens.*]

'49. My—my—song.

CARROTS. Why, Charley, where did you learn that?

DEVINE. Of my mother.

'49. Your mother? Her name? Her name?

DEVINE. Mary Devine.

'49. (*Aside.*) My son! My—my—Charley, I am your—

CARROTS. The Vigilantes! (*Enter Vigilantes, R., headed by Capt. Hampton, followed by Gully.*)

GULLY. There! That's the man that robbed me!

CAPT. H. You are the prisoner of the Vigilantes. Iron him, men.

'49. Stop! One word! You all know me. I've been her since '49. This boy—what do you want?

GULLY. The man who robbed me of my papers.

CAPT. H. We want the robber.

DEVINE. (*Aside.*) I am lost.

GULLY. Yes, we want the robber and the papers.

'49. (*Snatches papers from bosom.*) Well, here they are; and I am the robber!

ALL. What! you, Old Forty-Nine?

'49. Yes, I! Old Forty-Nine.

(*Two men seize him roughly from behind; Carrots throws herself on her knees, and grasps his hand; Devine confronts Capt. H.*)

Curtain.

FORTY-NINE

ACT IV.

SCENE.—*Same as in Act 3d—Morning light in place of sunset. Two Sentries discovered on either side of Cabin door. Capt. Hampton at table with papers.. Enter Col. Snowe and Devine, R. Sam following Snowe.*

DEVINE. But these Vigilantes are so merciless I am so afraid he may have to suffer.

SNOWE. Nonsense! Never fear. I never lost a case or made a mistake in my life. No sir. Never lost a case.

DEVINE. Well, it's fortunate you came. Of course he has no money to defend himself with. But I tell you he is innocent. And rather than see him suffer I will proclaim myself the guilty party. You will, you must save him. If he dies, I die with him.

SNOWE. Stuff! Gammon, rubbish. You've got to live; go back to your mother.

DEVINE. But you will save old Forty-Nine.

SNOWE. Of course I will save him. I never made a mistake and never lost a case, I tell you.

DEVINE. Oh, I am so grateful, so thankful you have come.

SNOWE. Yes, you see your mother got alarmed about you when we got your letter. And it did seem to me you had made a fool of yourself. Yes, *fool*, that's the word. Why, I'd just like to see any one of these Californians twist me around their fingers as they have you. I'd give them law! law!! Yes, sir, law! And now, let me see this old Forty-Nine. (*Attempts to enter Cabin; guards cross guns.*)

CAPT. H. What! Attempt to pass the guard of the Vigilantes?

SNOWE. I am a lawyer; must see the prisoner;

client of mine. I'm a lawyer. Do you understand? A lawyer that never lost a case.

CAPT. H. A lawyer, humph.

DEVINE. Oh, Colonel. It's useless to tell them you are a lawyer. Vigilantes never allow lawyers to interfere.

SNOWE. I'm a lawyer! I'm a lawyer; a lawyer that never lost a case or made a mistake. (*Guards hustle him off L. Sam hobbles after.*)

CAPT. H. (*Returning to papers.*) A lawyer. He must be a stranger in California. A lawyer to interfere with the Vigilantes! Why, we'd never get done.

DEVINE. The last hope gone. (*Enter Gully with Vigilantes, R., Capt. H., and shake hands and talk aside.*)

GULLY. Well, Capt. Hampton, I say bring him out, and give him a fair trial.

DEVINE. You will not; you dare not take that old man's life.

GULLY. I? No. Of course I shall not attempt any such thing. The law, the honest miner's law, the law of the Vigilantes, must take its course. If a man can be knocked down in this camp and robbed of his property, it's time we knew it.

DEVINE. (*Pointing to door.*) But you know he is not guilty.

GULLY. (*Aside to Devine.*) Listen. You and I know a great deal more, perhaps, than either of us care to tell. If this old man prefers to die in your place, I am the last man to rob him of that privilege. Yesterday, I reached out the olive-branch. You chose to knock me down. He chooses to take the responsibility of your act, trusting his gray hairs will save him. Well, I hope they may. We let him rest

all night in his own cabin. We will give him a fair trial now.

DEVINE. You, with your mockery and show of justice are the devil incarnate.

CAPT. H. (*Folding up papers.*) Bring him out and place him at once on trial. (*Guards open cabin door; Forty-Nine enters from same, between guards, followed by Carrots, weeping.*)

'49. Charley, Charley, my poor pard.

GULLY. Pretty hard on the old man, eh? Carrots.

CARROTS. Now, look here, Forty-Nine never hurt anybody in his life. He didn't rob you. He didn't hurt your head that way; and you know it. You got drunk at your weddin' last night, and fell into a prospect hole. Wish you'd broke your neck.

CAPT. H. Have you any witnesses for your defence? The Vigilante's jury wait to hear.

CARROTS. Yes, he has.

GULLY. What witnesses? (*Enter Col. B., R.*)

COL. B. Total wreck.

CAPT. H. Hello! Come back to be hung, have you?

GULLY. What can you swear to against his open confession?

COL. B. What do you require a gentleman to swear to? I'll oblige you; nothing mean about old Col. Billy in a case like this.

CARROTS. I tell you boys, he didn't do it. Forty-Nine hadn't been in that tunnel for a month. His back's been too stiff; got rheumatix. Why, he can't stoop down. (*To Forty-Nine.*) Say yes. Don't shake your head like that! Yes, he's got rheumatix so he can't get up when he's down, and he can't get down when he's up. And the idea that he could whip that yaller dog there!

FORTY-NINE

'49. Carrots, don't; don't call names.

CARROTS. Well, he is a dog, and a yaller dog at that. And a yaller dog is the meanest kind of a dog. Yes, yaller dogs sucks eggs.

COL. B. Well, I'm a witness. I swear that Forty-Nine didn't do it. I swear that the (*hic*) yaller dog did it himself.

'49. No, no! It's all right, boys. It's all right. He has been robbed. It was bad, bad. I'm sorry. But he's got it back; and I don't deny it.

DEVINE. But you shall not suffer for my—my—

'49. (*Stopping him.*) Shoo! Speak low. And listen to me, Charley. In the right hand corner of the further end of the tunnel. I saw only yesterday that we were on the edge of a vein. Right on the edge of a vein, a seam, a river of pure gold.

COL. B. Bad, bad. It's in his head again. (*Taps forehead.*)

DEVINE. My dear old pard, let us forget the tunnel.

'49. (*Tall and resolute.*) Forget the tunnel? Forget my twenty-five years of life there? My wife? My baby in the — (*Stops and shakes his head.*) No, there is no baby there now. The baby is here. (*Aloud.*) Charley, I have a favor to ask. You will do it?

DEVINE. If it costs me my life.

'49. No. it's not like that. You go now, right now, into the tunnel and bring me the last quartz specimen that fell from your pick——

DEVINE. But I cannot leave you.

'49. Stop! You said if it cost you your life. And yet here you refuse to——

DEVINE. Forgive me. I will go. But what-

ever happens, you shall not die. (*Embraces him, and exits, R.*)

CARROTS. There's a great lawyer come, Forty-Nine.

'49. I don't want the lawyer. I want you to listen to me.

CARROTS. Yes, I am listening all the time. What is it?

'49. Carrots, in the furtherest right-hand corner of the tunnel——

GULLY. (*Who has been conferring with Vigilantes.*) Well, if you all insist, of course we must proceed. (*They assent.*)

CAPT. H. Have you any other witnesses?

'49. I have no witnesses but myself; accusing myself.

COL. B. Yes, you have plenty witnesses. I am a standing witness. I swear that I was with old Forty-Nine all day yesterday, every minute.

CAPT. H. Can you swear to that?

COL. B. Certainly, (*hic*) I can, and I do.

CAPT. H. Hold up your right hand.

COL. B. (*Holding up left hand.*) I swear that Forty-Nine and me yesterday——

CAPT. H. Hold up your right hand.

COL. B. (*Turns around, and again holds up left.*) I swear——

CAPT. H. (*Forcing up right hand roughly.*) Will you be sworn now?

COL. B. No, I'll be hanged if I'll be sworn.

CARROTS. Well, I will. If that will save him, I will swear it. (*Falls on knees before Capt. H., and holds up hand.*) I swear that——

'49. My poor, dear child, you don't know what you say. (*Stops her, and turns to Vigilantes.*)

CAPT. H. And now, (*to Gully,*) what have you to swear to?

GULLY. Well, upon the oath of our order, I swear that on last evening, I, on this very spot, after I had been robbed, accused a party of robbery, and that this old man drew this package from his breast, which had been taken from me not an hour before, and said he was the robber. (*Throws papers on table.*)

CARROTS. No, I was there. I heard it all, and I swear he never said it.

CAPT. H. Did you say this?

'49. (*Bowing head.*) And I say it now.

GULLY. You hear him? (*Stands in line with Vigilantes.*)

CAPT. H. What shall be his sentence? (*In the line.*)

FIRST VIGILANTE. (*Uncovering head.*) Death!

SECOND VIG. Death!

THIRD VIG. Death!

FOURTH VIG. Death!

GULLY. (*Uncovering.*) I vote for life. But, you see, my voice is powerless. The majority rules in our order, and already the majority of the jury has sentenced you to death.

'49. I am satisfied. (*Aside.*) If Charley would only come!

CARROTS. He is my father, my mother, my all! If you take his life, you will kill me.

COL. B. Now just look at that poor gal. Here! He's some account. If you want to hang anybody hang me. Nobody cares for me. Total wreck! Total wreck!

CAPT. H. Take this man away. He ain't worth hanging.

COL. B. Pretty low down, boys; pretty low down, ain't worth hangin'. Ain't worth hangin'. Total wreck! Total wreck! (*Loud talking off L. Enter Snowe L. fighting with guards and forcing his way. Sam behind.*)

SNOWE. But I tell you I will come in. I ain't a lawyer. No, I ain't. I am a witness. Yes, I am a witness. And I never made a mistake or lost a case.

SAM. (*Getting behind Snowe.*) Yes, he's a witness. He ain't no lawyer, he ain't. Neber was a lawyer, sah.

GULLY. (*Aside.*) Snowe! By the seven devils! But what of it. I've got the girl. I can afford to laugh at them all now.

SNOWE. Yes. I'm a witness. Keep me back if you dare, and I'll send the last mother's son of you to State prison. Yes. I'll give you law, law, till your sick of it.

SAM. But you ain't no lawyer, shoo!

SNOWE. No! No! I'm a witness. (*Crosses to table. Sees papers, takes out glasses and looks at papers and at Gully.*)

GULLY. (*Aside.*) Great heavens! I must get those papers from that table or I am lost. (*Tries to reach papers. Snowe keeps moving between. Sam following him as his shadow and trips up Gully each time he nearly reaches papers.*)

SNOWE. I'm a witness. Not a lawyer; a witness.

GULLY. If you will let me have this property of mine——

SNOWE. Gully! Tom Gully!

GULLY. (*Folding arms defiant.*) Yes, Lucky Tom Gully. Perhaps you will know me when we meet next.

SNOWE. Well, I think I shall. But as I rarely

visit State prison, perhaps we will not meet again soon. (*Another effort to get papers.*)

'49. He wants his papers. It's but right he gets 'em back. I don't deny it, sir. It's hard, just as we struck it in the tunnel. But, sir, you're a lawyer, take the tunnel and see that Charley ain't swindled out of it, sir.

CARROTS. Now you just hold on, Forty-Nine. Lawyers is smart. And I heard tell they can make black things look white sometimes. You jest take them papers, Mr. Lawyer, and see if you can't save Forty-Nine. Do! do! oh, do! Them's the papers that makes all the trouble. (*Gully grasps at papers.*)

SNOWE. No, you don't. No, sir'ee.

GULLY. They are mine.

'49. He says they are his.

SNOWE. Well, if he says they *are* his, that is *prima facie* evidence they are not his. (*Takes up and examines.*)

GULLY. This is damnable. (*Going.*)

CARROTS. What's your hurry, Store Clothes?

SNOWE. Stop! My papers! Gentlemen of the jury! Gentlemen of the villainous Vigilantes' jury! Mine! My papers! There! My name! Stolen from me by that man. (*Gully going, R.; guard stops him.*)

CAPT. H. You lawyers are tricksters sometimes.

SNOWE. We lawyers are your legislators in peace, your generals in war, and your gentlemen always.

CAPT. H. And these are your papers, you say, stolen from you by him?

SNOWE. My papers, stolen from me by that fragrant and highly perfumed thief. There! That's my signature. And there! That's his odor. Smell

him? (*Enter Devine, R., with quartz, which he throws on table.*)

DEVINE. Yes, and it was I, who knocked him down in the tunnel, yesterday, and took these papers from him.

CAPT. H. And served him right!

CARROTS. Ah! Forty-Nine! Forty-Nine and Charley! I want to kiss and hug you both. I'll hug Forty-Nine, and kiss Charley. (*Enter Belle and Miss.*)

GULLY. My wife! My poor wife. My luck has deserted me at last.

MISS. Well, if luck deserts you, look out.

DEVINE. Your wife?

GULLY. Yes. We were married last night, as I told you we should be. (*Takes out handkerchief.*)

COL. B. (*Sniffing.*) Well it can't be said that he married without a scent.

DEVINE. (*To Snowe.*) This is the young lady I told you of. The heiress of Santa Clara.

SNOWE. The dev—. Beaten! Beaten for the first time in my life. (*Captain H. makes sign to guard.*)

GULLY. (*To Snowe.*) Save me from the Vigilantes and I will give up all, wife, estate, all.

CARROTS. Sell your wife to save your life 'eh?

GULLY. Oh, anything to escape the vengeance of the Vigilantes. Anything! You don't know how terrible they are.

SNOWE. (*To Capt. H.*) You can have him, we have no use for him. (*Guards seize Gully and manacles him.*)

CAPT. H. Your hour has come.

'49. No! Take not that which you cannot restore. Consider. He is not fit to die.

GULLY. (*To Vigilantes.*) I will pay thousands, thousands. She will pay you and bless you all.

MISS. Well now just hold your hosses. If your luck's vamoosed you; good-bye, John. (*Belle crosses; very stately.*)

SNOWE. And this is the heiress? Well she looks it. I would have known it at once. Get out of the way here. (*Pushes Carrots aside as she clings to Devine.*) Sam! Call up black Sam, and let us settle this at once.

SAM. Well, Massa Charley, pretty rough country round about heah, eh? How do, Massa Gully? Won't you shake hands? Pretty rough country round heah, eh?

SNOWE. Sam, look at that young lady. Ever see her before?

SAM. Nebber, Massa Snowe.

SNOWE. Ever see anybody that looked like her?

SAM. Nebber, sah!

SNOWE. You did! You know you did. Now when was it? and where was it?

SAM. Nebber, Massa Snowe; and nowhar, Massa Snowe.

SNOWE. Sam, you're a fool. Don't you know she looks like Mrs. Williams and Mr. Williams that you started to cross the plains with?

SAM. What? Dat black face, and dat niggah-lookin' hair? Why, my Massa and Missus was white, dey wus.

SNOWE. Sam, I tell you you're a fool. I never lost a case or made a mistake. It's got to be her, I tell you. Think I came all the way to this place to be beaten? Look again.

SAM. De more I looks, de wusser it gits.

SNOWE. I tell you you're a fool.

SAM. Now you just wait, Massa Snowe. (*Begins old negro melody, watching Belle, and approaching. Carrots examining quartz; drops it, rises; comes forward; listens.*)

BELLE. What does he mean, looking at me that way? (*Sam continues singing, very soft and low, gradually increasing, keeping time with hands and feet.*)

O, hallelujalem! O, hallelujalem!
 O, honey, won't you come,
 O, honey, won't you come,
 To de bussom ob de Lord,
 When de world's on fire,
 When de world's on fire,
 To de bussom ob de Lord.

(*He and Carrots meet face to face, and sing a verse together.*)

CARROTS. It is the dream of the desert! The massacre! The escape! That black face—Oh, Sam! Sam! Don't you know me? dear, old black Sam?

SAM. (*Falling on knees.*) Found! Found at last! And heah! heah! Dar's de bullet mark I tole you 'bout. Heah! Massa Snowe! (*Tears sleeve.*)

SNOWE. Eureka! Never lost a case or made a mistake in my life. Belle, you may go to—Jericho!

'49. Yes, let them both go. They are punished enough. (*Vigilantes release Gully.*)

MISS. Yes, come my daughter. Let's leave it all. (*Takes Belle away from Gully.*)

GULLY. Your daughter? Sold! sold!

'49. Well, I thought as much.

COL. B. The Vigilantes will see you, and your

wife, and your sweet mother-in-law out of town. (*Exit Gully, Miss. and Belle, escorted by Vigilantes.*)

CARROTS. Now that's all done. (*Picks up quartz.*) But just look here Forty-Nine.

'49. What! From the right hand corner of the tunnel?

DEVINE. Yes. And seamed with gold. But I was so blinded and bothered I did not see it.

'49. Gold! Gold! Gold! Enough to pave a city. And now, my boy, since we have struck it in our tunnel, I can do something for you my—my son.

DEVINE. Your son?

'49. Yes, my own baby boy, that left the cradle without my knowing it. You are my son. You won't be ashamed of the old man, will you?

DEVINE. My father? And that is why you would have died for me. But come; we will all go back together now, to my mother. We will go back together to her who has waited as you have waited.

CARROTS. And leave me?

'49. Leave you? You are to be my child.

DEVINE. And my wife.

CARROTS. Oh! Charley!

SNOWE. You are a great heiress.

CARROTS. Then I am somebody in particular?

'49. Somebody in particular? You are pure California gold and twenty-four carats fine. But, come, let us all now go back to the States.

COL. B. And buy the Astor House, bar and all?

'49. And buy the Astor House, bar and all, Billy. But first you must learn this: That success is only a question of time and toil. And so may you, and all, strike it yet, as rich as this California gold.

Curtain.





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